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DATE FILED: 8/4/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
NEWTOWN SALES, INC.

Plaintiff,

- against -

SONAX GmbH & CO. KG,

Defendant.
-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

O R D E R

07 Civ. 9226 (NRB)

WHEREAS on February 29, 2008 we dismissed this case because it had been reported to the Court that the parties had settled; and

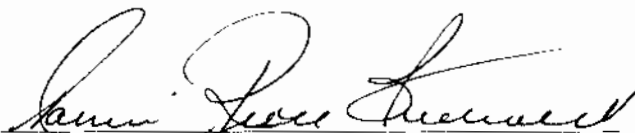
WHEREAS the parties had not actually finalized settlement, and this Court held a subsequent conference on May 5, 2008, at which the parties agreed to pursue final settlement negotiations; and

WHEREAS plaintiff has since agreed to dismiss this action with prejudice; and

WHEREAS defendant agrees to the dismissal, but has indicated that it intends to file a motion for fees and costs pursuant to Fed. R. Civ. P. 11(c)(2); it is hereby

ORDERED that this case is dismissed with prejudice. This Order is not intended to address any contemplated Rule 11 motion.

DATED: New York, New York
August 4, 2008


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE